

WATER WELL DRILLERS ACT—APPEALS FROM BOARD

CHAPTER 388

S. B. No. 701

An Act amending Section 9 of Chapter 264, Acts of the 59th Legislature, Regular Session, 1965, as amended (codified as Article 7621e of Vernon's Texas Civil Statutes); providing changes in the methods for appeal from the Water Well Drillers Board to the Courts of Travis County, Texas; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Hereafter Section 9 of Chapter 264, Acts of the 59th Legislature, Regular Session, 1965, as last amended by Chapter 376, Acts of the 61st Legislature, Regular Session, 1969, (codified as Article 7621e of Vernon's Texas Civil Statutes), is amended ⁶⁷ and it shall read as follows:

"Sec. 9. Appeal of Board Action.

"(a) A person affected by any ruling, order, decision or other act of the Board may appeal by filing a petition in the District Court in the county in which the alleged violation occurred.

"(b) Petition must be filed within thirty (30) days after the date of the Board's action, or, in case of a ruling, order, or decision, within thirty (30) days after its effective date.

"(c) Service of citation on the Board must be accomplished within thirty (30) days after the date the petition was filed. Citation may be served on the Executive Director of the Water Development Board or on any member of the Water Well Drillers Board.

"(d) The plaintiff shall pursue his action with reasonable diligence.

"(e) Any ruling of the Board may be appealed in the same manner as appeals from the justice court to the county court. All administrative or executive action taken prior to the filing of the suit shall continue in force and effect until the rights of the parties thereto shall be determined by the court upon a trial of the matters in controversy."

Sec. 2. The fact that there is no adequate provision for appeals to the courts from the administrative agency creates an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended.

Passed the Senate on April 22, 1971: Yeas 31, Nays 0; May 21, 1971,

Senate concurred in House amendments: Yeas 31, Nays 0; passed the House on May 19, 1971, with amendments: Yeas 143, Nays 0, and two present not voting.

Approved May 26, 1971.

Effective Aug. 30, 1971, 90 days after date of adjournment.

67. Vernon's Ann.Civ.St. art. 7621e, § 9.